

JOURNAL OF THE FLORIDA SENATE

Wednesday, March 8, 1972

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By the Committee on Universities and Community Colleges and Senator Arnold—

SB 1209—A bill to be entitled An act relating to instructional television; providing that the board of regents, the various agencies and institutions under the supervision of the board, and the division of community colleges, investigate the feasibility of instructional television courses for credit towards graduation; providing area guidelines; providing for reporting to certain legislative officers; providing an effective date.

—was read the first time by title and referred to the Committee on Universities and Community Colleges.

By Senator Haverfield—

SB 1210—A Bill to be entitled An Act relating to governmental reorganization; providing for the transfer of all powers and functions of the department of agriculture and consumer services relating to restricted pesticides to the department of pollution control by a type four (4) transfer; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Haverfield—

SB 1211—A bill to be entitled An act for the relief of Donna Sue Sutton; providing an appropriation to compensate her for injuries sustained at Florida State University; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senator Deeb—

SB 1212—A bill to be entitled An act relating to Pinellas County, club alcoholic beverage licenses; excepting Order of Sons of Italy, St. Petersburg Lodge 2017, St. Petersburg, Florida, from the provisions of section 561.20(6), Florida Statutes, as the same relates to the number of such licenses that may be issued in Pinellas County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in Pinellas County; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1212.

—was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—47:

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Saylor
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

Prayer by Senator Daniel:

Almighty God our Heavenly Father, supreme architect of the universe, in great humility we pray unto thee—not to gain merit or favor in the eyes of men because of words cleverly put together to support personal opinions or grievances—not to gain notice through eloquence or knowledge which may be newsworthy though not noteworthy—this day we simply and humbly pray as Thy servants, asking for Thy love, guidance, understanding and help. May we always find Thy presence very real to each of us whether we dig ditches or govern the affairs of state.

This we ask in the name of our Lord and Savior, and the Messiah of Israel. Amen.

The Journal of March 7 was corrected and approved.

COMMITTEE REPORTS

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Wednesday, March 8, 1972:

CS/SB 284	SB 615	SB 858
SB 343	HB 2026	SB 632
CS/HB 316	SB 495	SB 856
SB 319	SB 768	SB 489
SB 916	SB 1079	SB 224
SB 294	HB 1610	SB 836
CS/HB 2823	SB 226	SB 977
SB 789	CS/HB 2861	SB 860
SB 869	CS/SB 66	CS/HB 690
HB 1038	SB 460	SB 135
SB 1009	SB 366	SB 505
SB 646	CS/SB 551	SB 547

The Committee on Commerce recommends the following pass: SB 1128, SB 1129

The Committee on Commerce recommends the following pass:

SB 1161 with 1 amendment	SB 1018	SB 1036
SB 1012	SB 1104	SB 1006
HB 639	HB 3426	
SB 1017	SB 1010	

The Committee on Governmental Efficiency recommends the following pass: SB 763

The Committee on Judiciary—Civil B recommends the following pass:

SB 973 with 1 amendment	HB 866
SB 938	HB 1127
SB 995	HB 1303 with 2 amendments
SB 1092 with 2 amendments	

The Committee on Governmental Efficiency recommends the following pass: HB 937

The Committee on Judiciary—Civil A recommends the following pass:

HB 3278 with 3 amendments	HB 4249	SB 951
HB 4250	SB 1082	HB 3733

The Committee on Judiciary—Criminal recommends the following pass: SB 1047

The Committee on Natural Resources and Conservation recommends the following pass: HB 2891, HB 3035

The Committee on Personnel, Retirement and Claims recommends the following pass:

SB 943	SB 945	SB 1065	SB 1068
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The Committee on Personnel, Retirement and Claims recommends the following pass:

HB 1654	SB 686	SB 837
SB 1048 with 1 amendment	SB 878	HB 1536

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass:

SB 859	SB 871 with 2 amendments
SB 1107	SB 574 with 2 amendments
SB 929 with 2 amendments	

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Commerce recommends the following pass: SB 868

The Committee on Commerce recommends the following pass: SB 1113

The Committee on Natural Resources and Conservation recommends the following pass: HB 851

The Committee on Personnel, Retirement and Claims recommends the following pass:

SB 802 with 1 amendment	SB 832	SB 1067
SB 804	SB 944	SB 1069
SB 805	SB 1066	

The Committee on Personnel, Retirement and Claims recommends the following pass:

SB 1097 with 4 amendments

The Committee on Judiciary—Civil B recommends the following pass: SB 577, SB 1057 with 1 amendment

The Committee on Governmental Efficiency recommends the following pass:

SB 775 with 10 amendments
SB 930
CS for HB 547 with 2 amendments

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass: SB 1025

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following pass: SB 1136 with 13 amendments

The bill was referred to the Committee on Judiciary—Civil B under the original reference.

The Committee on Commerce recommends the following pass: SB 1089 with 3 amendments

The bill was referred to the Committee on Governmental Efficiency under the original reference.

The Committee on Judiciary—Civil B recommends the following pass: SB 1149

The Committee on Natural Resources and Conservation recommends the following pass: SB 1192

The bills contained in the foregoing reports were referred to the Committee on Rules, Calendar, Privileged Business and Ethics under the original reference.

The Committee on Judiciary—Civil A recommends a Committee Substitute as recommended by the Committee on Natural Resources and Conservation for SB 796 with 1 amendment.

The Committee on Judiciary—Criminal recommends a Committee Substitute for SB 844.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for SB 201.

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Commerce recommends a Committee Substitute for SB 1014.

The Committee on Personnel, Retirement and Claims recommends a Committee Substitute for SB 932.

The Committee on Personnel, Retirement and Claims recommends a Committee Substitute for the following: SB 1071

The Committee on Governmental Efficiency recommends a Committee Substitute for SB 778 with 3 amendments.

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary—Civil B recommends the following not pass: SB 963

The Committee on Commerce recommends the following not pass: HB 1465

The Committee on Judiciary—Civil A recommends the following not pass: SB 438, HB 1699

The Committee on Judiciary—Criminal recommends the following not pass:

SB 461	SB 809	SB 826	HB 2662
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The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 390 with 1 amendment	SB 1165 with 3 amendments
SB 1164 with 1 amendment	

—reports that the House amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were ordered enrolled.

Your Engrossing Clerk to whom was referred—

SB 635 with 2 amendments	SB 698 with 2 amendments
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—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

Pursuant to Rule 4.14, Senator Hollahan gave 15 minutes' notice of intention to move to take up SB 763 out of order.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Karl, by two-thirds vote all local bills were withdrawn from committees of reference other than the Committee on Rules, Calendar, Privileged Business and Ethics with the exception of Senate Bills 1160 and 1176.

On motion by Senator Hollahan, the Committee on Rules, Calendar, Privileged Business and Ethics was granted an additional 15 days for the consideration of CS for HB 89.

On motion by Senator Weber, SB 769 was withdrawn from the Committee on Governmental Efficiency by two-thirds vote and from further consideration of the Senate.

On motion by Senator Johnson (29th), SB 685 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and from further consideration of the Senate.

On motion by Senator Henderson, SB 903 was withdrawn from the Committee on Judiciary—Criminal by two-thirds vote and from further consideration of the Senate.

On motions by Senator Boyd, SB 548 was withdrawn from the Committees on Universities and Community Colleges and Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator de la Parte, SB 1115 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Daniel, the Committee on Governmental Efficiency was granted an additional 15 days for the consideration of—

SJR 74	SB 879	SB 1052	CS for HB 128
SB 550	SB 906	SB 1061	HB 184
SB 552	SB 920	SB 1072	HB 642
SB 569	SB 933	SB 1073	HB 1150
SB 587	SB 934	SB 1095	HB 1441
SB 606	SB 952	SB 1100	HB 1617
SB 616	SB 953	SB 1116	HB 1693
SB 631	SB 964	SB 1118	HB 1777
SB 821	SB 978	SB 1119	HB 1803
SB 822-SF	SB 988	SB 1120	HB 1819
SB 823	SB 993	SB 1121	HB 2051
SB 846	SB 1005	SB 1123	HB 3202
SB 850	SB 1013	SB 1125	
SB 873	SB 1029	SB 1126	
SB 876	SB 1037	SB 1130	

MESSAGE FROM THE GOVERNOR

The Governor advised that he had filed with the Secretary of State Senate Bills 108 and 318 which will become law without his signature.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas March 8, 1972
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 1166, SB 131.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills contained in the above message were ordered enrolled.

The Honorable Jerry Thomas March 7, 1972
President of the Senate

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Craig, Mattox, Rish and Wilson as House Conferees on HB 3227.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas March 7, 1972
President of the Senate

Sir:

I am directed to inform the Senate that the Speaker of the

House of Representatives has appointed Representatives Craig, Mattox, Rish and Wilson as House Conferees on HB 2446.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of the membership of the House—

By Representative Stevens—

HB 1779—A bill to be entitled An act relating to the sport of spearfishing; amending §370.172, Florida Statutes; providing definitions; determining areas where spearfishing may be practiced or shall be prohibited; regulating the method of spearfishing; providing certain acts unlawful; providing for rules and regulations; providing a penalty; repealing all special laws, local laws, and general laws of local application insofar as they apply to spearfishing in salt waters and salt-water tributaries; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1779, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Moudry and others—

HB 1141—A bill to be entitled An act relating to home rule charter government; amending §125.64(1), Florida Statutes, to provide that a referendum for the adoption of a charter for home rule may be held concurrently with a general election and if a general election will be held within nine (9) months after submission of the proposed charter; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1141, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Insurance—

HB 3461—A bill to be entitled An act relating to insurance; amending chapter 284, Florida Statutes, by designating chapter 284, Florida Statutes, relating to the Florida fire insurance trust fund as part I of chapter 284, Florida Statutes, and adding part II consisting of sections 284.30 through 284.41, Flor-

ida Statutes, creating a Florida casualty insurance risk management trust fund to provide workmen's compensation, general liability and fleet automotive liability insurance coverages for all departments of the state; authorizing the department of insurance to implement and administer this act; providing for the purchase of insurance, specific excess and aggregate insurance and risk management services; excluding medical malpractice and nuclear energy liability exposures; authorizing payment of administrative expenses from the fund; authorizing the transfer of appropriated funds for such coverages; providing for payment of premium on respective agency risks by such agencies; earmarking premium and investment accruals; prescribing a retrospective rating arrangement for computation of future premiums based on actual losses and operational factors; authorizing promulgation of rules; creating a division of risk management in the department of insurance to administer all state insurance coverage programs providing for transfer of involved funds and personnel currently otherwise allocated to the department of insurance; extending insurance commissioner and treasurer's public official bond to encompass this area of administration; providing for certain reports; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 3461, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Manpower & Development and Representative Tucker—

CS for HB 3135—A bill to be entitled An act relating to workmen's compensation; amending sections 440.44(3)(a) and 440.44(4)(a), Florida Statutes, by repealing the requirement that the chief of the bureau of workmen's compensation be an attorney; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 3135, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Manpower & Development and Representative Tucker—

CS for HB 3134—A bill to be entitled An act relating to workmen's compensation; amending §440.43, Florida Statutes, to provide for penalties for employers as defined in §440.02(4), Florida Statutes, who fail to secure workmen's compensation; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 3134, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Hodes—

HB 1691—A bill to be entitled An act relating to the Florida Optometric law, amending Subsection (5) of Section 463.11, Florida Statutes, providing for branch offices, providing standards for and regulating their establishment, providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1691, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Tucker—

HB 3132—A bill to be entitled An act relating to workmen's compensation; amending Section 440.25(3), Florida Statutes, by adding paragraph (d), providing for orders of dismissal of certain claims; prescribing time limitations; providing reinstatement procedures; providing an effective date.

By Representative Tucker—

HB 3131—A bill to be entitled An act relating to workmen's compensation; amending section 440.02(6), Florida Statutes; including in the definition of "injury" damage to dentures, eyeglasses, prosthetic devices, and artificial limbs; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

March 6, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Rish—

HB 3155—A bill to be entitled An act relating to workmen's compensation; amending §440.12(1), Florida Statutes, to change the waiting period for the payment of compensation for disability from a seven day period to a three day period; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 3132, 3131 and 3155, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

March 7, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Health, Welfare and Institutions—

CS for SB 413—A bill to be entitled An act relating to the public health; authorizing the conducting of family planning programs by the department of health and rehabilitative services; authorizing certain family planning services to be made available to minors under certain circumstances; allowing for refusal to perform such services on religious or medical grounds; providing an effective date.

Amendment 1—

On page 1, line 18, strike everything after the enacting clause and insert the following:

Section 1. Short title.—This act shall be known as "the comprehensive family planning act."

Section 2. Legislative intent.—It is the intent of the legislature to make available to all citizens of the state of child-bearing age, comprehensive medical knowledge, assistance, and services for the spacing or limiting of pregnancies. It is intended that under the provisions of this act, comprehensive family planning services and procedures shall be provided only under competent medical authority and shall be voluntary to the recipient.

(1) Contraceptive procedures, including medical procedures for permanent sterilization, when performed by a physician on a requesting and consenting patient, are hereby declared to be consistent with public policy for the preservation of the health and welfare of the citizens of the state.

(2) Dissemination of medically acceptable contraceptive information by duly authorized persons at schools, in state and county health and welfare departments, in medical facilities, at institutions of higher learning, and at other agencies and instrumentalities of this state is hereby declared to be consistent with public policy.

Section 3. Definitions.—As used in this act, unless the context clearly requires otherwise:

(1) "Department" means the department of health and rehabilitative services.

(2) "Comprehensive family planning program" means providing medically approved knowledge and the means to determine the number and spacing of children and the provision of infertility services to all persons, male or female, who desire such services.

(3) "Physician" means an individual licensed or authorized to practice medicine or osteopathy under the laws of Florida.

Section 4. Access to services; prohibitions.—

(1) Any hospital, clinic, medical center, institution, or pharmacy licensed in this state which is an agency or institution of this state or unit of local government is prohibited from subjecting any individual to any standard or requirement as a prerequisite for any contraceptive procedure, supplies, or any information, including sterilization, other than referral to a physician.

(2) Any hospital, clinic, medical center, institution, or pharmacy licensed in this state which is an agency or institution of this state or unit of local government is prohibited from having any policy which interferes with the right of any patient or physician to use any medically acceptable contraceptive procedures, supplies or information or to restrict the physician-patient relationship.

(3) The provisions of this act shall not be interpreted so as to prevent a physician from refusing to furnish any contraceptive procedures, supplies or information for medical reasons.

(4) Private institutions and physicians, and agents and employees of such institutions and physicians, shall retain the right to refuse to provide contraceptive procedures, supplies and information when such refusal is based on religious or conscientious objection and such institutions, employers, agents and physicians shall not be held liable for such refusal.

Section 5. Authority and powers.—

(1) The department shall implement a comprehensive family planning program which shall involve all divisions of the department and it shall promulgate such rules and regulations as are necessary to implement a comprehensive family planning program. Such rules and regulations shall be adopted in accordance with the administrative procedure act, chapter 120, Florida Statutes.

(2) The department shall submit a report to the legislature on or before December 15 of each year, together with an evaluation of the comprehensive family planning program, with specific recommendations relating to the operation of the program and its improvement.

(3) To the extent that family planning funds are available, each public health agency of this state and each of its political subdivisions shall provide contraceptive procedures, supplies, and information, including voluntary sterilization procedures to all persons, male or female, eligible for medical services as determined by rules and regulations of the department. These services shall be available to all persons desirous of such services, at a cost based on a fee schedule prepared and published by the department. Fees shall be based on the cost of service and ability to pay.

(4) To the extent that funds are available, the implementation of the comprehensive family planning program shall be designed to include, but not be limited to, the following:

(a) Comprehensive family planning education and counseling programs;

(b) Infertility studies, counseling, and services;

(c) Medical evaluation including cytological examination and other appropriate laboratory studies;

(d) Prescription for and provision of all medically recognized methods of contraception;

(e) Treatment of physical complications resulting from the use of contraceptive methods other than pregnancy;

(f) Provision of services at locations and times readily available to the population served; and

(g) Emphasis and stress on service to postpartum mothers.

Section 6. It is lawful for a physician when requested by any person eighteen (18) years of age or over or any person under eighteen (18) years of age if legally married, to perform upon such person a surgical interruption of the vas deferens or Fallopian tubes, upon submission of a request in writing by such person prior to the performance of such surgical operation and provided that, prior to or at the time of such request, a full and reasonable medical explanation is given by the physician to the person as to the meaning and consequences of the operation. If the person is married, the written consent of the spouse must be obtained, unless however, said spouse has been voluntarily separated for at least six months immediately prior to the performance of such surgical operation, in which event, written permission shall not be necessary. It shall be prima facie evidence of separation as provided herein upon affidavit of the spouse and one witness.

Section 7. Notwithstanding any other provision of this act, no unmarried person under eighteen (18) years of age may consent to permanent sterilization procedures without consent of a parent or legal guardian. If an unmarried person is mentally retarded and is so certified by a licensed physician and one other person qualified to determine if the person is mentally retarded, the consent by a parent or legal guardian shall constitute compliance with this act.

Section 8. Funding.—The department is directed to establish a funding program for the dissemination of federal, state, or private funds available to the department for the purpose of implementing the comprehensive family planning program.

Section 9. This act shall take effect July 1, 1972.

Amendment 2—

In the title on page 1, lines 4—13, strike all of line 4 thru and including line 13 and insert the following: An act relating to family planning; providing intent and definitions; providing for access to services; authorizing the department of health and rehabilitative services to implement a comprehensive family planning program; authorizing the promulgation of rules and regulations and establishment of a funding program; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Myers, the Senate refused to concur in House amendments 1 and 2 to CS for SB 413, and the House was requested to recede therefrom and in the event the House refused to recede, that a conference committee be appointed by the Speaker to meet with a like committee to be appointed by the President to adjust the differences on the House amendments. The action of the Senate was certified to the House.

The Honorable Jerry Thomas
President of the Senate

March 7, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 2, 3, 4 and 6, has adopted substitute amendments for Senate amendments 1, 5 and 7 and has passed as further amended—

By the Committee on Manpower & Development—

CS for HB 2008—A bill to be entitled An act implementing section 6, article I of the Florida Constitution, relating to the protection of citizens and their freedom of choice to join or refrain from joining unions and other such private organizations; amending chapter 447, Florida Statutes, by adding section 447.17; prohibiting the requiring of union membership or non-membership as a condition of initial or continued employment; providing a penalty; providing an effective date.

Senate amendment 1—

On page 1, in title, line 14 after “employment;” insert the following: providing for the right of employees to bargain collectively through a labor organization; providing that public employees shall not strike;

Substitute for Senate Amendment 1—In line 14, after “penalty;” insert the following: creating the Public Employees Relations Act relating to state, county, municipal, and all other public employees in the State of Florida amending chapter 447, Florida Statutes, by adding Part II; providing right to organize and bargain collectively as to terms and conditions of employment; providing method of bargaining procedure: creating and providing administration by the Florida Public Employees Relations Commission within the Department of Administration; defining rights of public employees and employers; providing payroll dues deduction; providing rules and procedures for registration, recognition, and certification of employee organizations and bargaining agents; providing payment of fees and expenses in collective bargaining process; providing grievance procedures; providing procedures for resolution of impasse; establishing unfair labor practices by employers and employee organizations; providing procedures to resolve unlawful actions and practices, penalties and remedies; injunctive relief; providing effect on merit and civil service systems and state and local control of same; subject to Section 286.011, Florida Statutes, amending section 230.22(1), Florida Statutes, relating to general powers of school boards, and providing repeal of section 839.221, Florida Statutes, and any other laws, ordinances, rules or regulations, which conflict with this act;

Senate amendment 5—

On page 4, line 10 strike immediately upon becoming a law. and insert the following: October 1, 1972.

Substitute amendment for Senate Am. #5

On page 4, line 9, strike “This act shall take effect immediately upon becoming law.” and insert the following: Section 447.17 shall take effect October 1, 1972.

Senate amendment 7—

On page 4, between lines 8 and 9 insert the following Section 2 and renumber subsequent section.

Section 2. (1) It is hereby acknowledged to be the public policy of the State of Florida that the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. All persons shall be protected in the exercise of this right, freely and without fear of reprisal, to form, join and assist unions and to bargain collectively through them or to refrain therefrom. Public employees shall not strike.

(2) Penalties for violation of this section:

(a) Any person who directly or indirectly requires another person to perform any act prohibited by this section or uses any form of compulsion prohibited by this section shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 and section 775.083, Florida Statutes.

(b) Any employer, employee, labor organization or association of any kind violating any of the provisions of this section, shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 and section 775.083, Florida Statutes.

(c) Individual officers of any such employer, labor organization, or association of any kind, who have actual knowledge of the violation and intent to violate the provisions of this act, shall also be individually liable and subject to the penalties provided in section 775.082 and section 775.083, Florida Statutes.

(3) Any person who may be denied the rights provided in this section shall be entitled to recover from such employer, other person, firm, corporation or association as punishment and as a deterrent to others.

(4) Any person or employee sustaining injury as a result of any violation or threatened violation of the provisions of this section shall be entitled to injunctive relief against any and all violators or persons threatening violation.

(5) The provisions of this section are declared to be severable, if any provision is found to be unconstitutional or invalid for any reason the same shall not affect the remaining provisions of this section.

Substitute amendment for Senate amendment # 7

On page 4, between lines 8 & 9, insert the following: and renumber the remaining section

Section 2. Part II of chapter 447, Florida Statutes, is created to read:

447.001 Statement of policy.—It is declared that the public policy of the state and the purpose of this part is to promote harmonious and cooperative relationships between government and its employees, both collectively and individually, and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. It is the intent of the legislature that nothing herein shall be construed to either encourage or discourage organization of public employees. These policies are best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate and enter into written agreements with bargaining agents duly certified to represent public employees;

(3) Creating a public employment relations commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

447.002 Definitions.—As used in this part:

(1) “Commission” means the public employment relations commission created by section 447.003, Florida Statutes.

(2) "Public employer" or "employer" means the state, any county, municipality, special district, and any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness to properly carry out the functions of a public employer.

(3) "Public employee" means any person employed by a public employer except those persons appointed by the governor or elected by the people, department heads, agency heads, supervisory employees as defined in subsection (4) of this section, members of boards and commissions, individuals acting as negotiating representatives for employer authorities, immediate personal or individual assistants and aides and confidential secretaries of all of the foregoing, and other employees excluded by the commission because of the policy-making positions they occupy.

(4) "Supervisory employee" means an individual determined, by the commission, to be a supervisory employee with regard to a particular bargaining unit, generally having authority in the interest of the public employer to appoint, promote, demote, suspend, dismiss, reduce in pay, lay off, transfer or otherwise discipline employees, or having the responsibility to direct them, to adjust their grievances or effectively to recommend such action if, in the judgment of the commission, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. In any hazardous occupation as defined in Section 769.01, Florida Statutes, including policemen and firemen, an individual must have the authority to perform a preponderance of the specified acts of authority in order to qualify as a supervisory employee.

(5) "Strike" means the concerted failure to report for duty, the concerted absence of employees from their positions, the concerted stoppage of work, the concerted submission of resignations, picketing, boycotting in line of the performance of duty, sanctioning, refusing to cross a picket line, disruptively demonstrating, or the concerted abstinence in whole or in part by any group of employees from the full, faithful, and proper performance of the duties of employment with a public employer, for the purpose of inducing, influencing, condoning or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in a course of conduct which substantially affects the services of the public employer.

(6) "Bargaining unit" means either that unit determined by the commission, or that unit determined through local regulations promulgated pursuant to section 447.025, Florida Statutes, or that unit determined by the public employer and the public employee organization and approved by the commission to be appropriate for the purposes of collective bargaining.

(7) "Chief executive officer" for the state shall mean the governor of the state, and for other public employers shall mean the person who is responsible to the legislative body of the public employer for the administration of the governmental affairs of the public employer and for representation of the public employer in collective bargaining with public employees.

(8) "Legislative body" means the state legislature, the board of county commissioners, the district school board, the governing body of a municipality, or the governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the appropriate legislative body for the bargaining unit.

(9) "Employee organization" or "organization" means any labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents or seeks to represent any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.

(10) Certified employee organization means the employee organization which has been certified by the commission as representing the employees in the bargaining unit as provided in Chapter 447.009.

(11) "Budget submission date" means the date by which, under law or practice, a public employer's budget, or a budget containing proposed expenditures applicable to such public employer, is submitted to the legislative body or other similar body of government for final action.

(12) "Professional employee" means:

(a) Any employee engaged in works in any two or more of the following categories:

1. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;
2. Involving the consistent exercise of discretion and judgment in its performance;
3. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and
4. Requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, an apprenticeship or training in the performance of routine mental or physical processes; or

(b) Any employee who:

1. Has completed the courses of specialized intellectual instruction and study described in subparagraph 4. of paragraph (a), and
2. Is performing related work under supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

(13) "Collective bargaining" means the performance of the mutual obligations of the public employer and the bargaining agent of the employee organization to meet at reasonable times, to confer and negotiate in good faith, and to execute a written contract with respect to agreements reached concerning the terms and conditions of employment, except that neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this part.

(14) "Membership dues deduction" means the practice of a public employer of deducting dues and uniform assessments as mutually agreed upon by the public employer and the certified bargaining agent from the salary or wages of a public employee upon the presentation to the public employer of cards authorizing the deduction of dues, signed by such individual public employee. Such term also means the practice of a public employer of transmitting the sums so deducted to such employee organization.

447.003 Public employment relations commission.—

(1) There is hereby created and established within the department of administration the public employment relations commission, hereinafter referred to as the "commission." The commission shall be composed of five (5) members to be appointed by the governor, subject to confirmation by the senate, from persons representative of the public, known for their objective and independent judgment, and who shall not be employed by or hold any commission with any governmental unit in the state or any employee organization as defined in this part. The governor shall designate one (1) member as chairman. Members shall serve for a term of four (4) years, except that beginning July 1, 1972, two (2) members shall be appointed for a term of one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, and one (1) member for four (4) years. A vacancy for the unexpired term of a member shall be filled in the same manner as herein provided for an original appointment. The presence of three (3) members shall constitute a quorum of any called meeting of the commission.

(2) The chairman shall devote his entire time to his commission duties. He shall receive a salary as established pursuant to the provisions of section 216.251, Florida Statutes, and shall not engage in any other business, vocation, or employment. The remaining members shall be paid an honorarium of one hundred dollars (\$100) for each day they are engaged in the work of the commission. The chairman and other members shall also be reimbursed for expenses as provided in section 112.061, Florida Statutes. The chairman shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part.

447.004 Commission; powers and duties.—

(1) After public hearing, the commission shall adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this part, in accordance with chapter 120, Florida Statutes.

(2) To accomplish the objectives and to carry out the duties prescribed by this part, the commission may subpoena witnesses, issue subpoenas to require the production of books, papers, records, and documents which may be needed as evidence of any matter under inquiry, and may administer oaths and affirmations.

(3) In cases of neglect or refusal to obey a subpoena issued to any person, the circuit court of the county in which the investigations or the public hearings are taking place, upon application by the commission, may issue an order requiring such person to appear before the commission and produce evidence about the matter under investigation. A failure to obey such order may be punished by the court as a contempt.

(4) Any subpoena, notice of hearing or other process or notice of the commission issued under the provisions of this part may be served personally or by certified mail. A return made and verified by the individual making such service and setting forth the manner of such service is proof of service and a returned post office receipt, when certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this part may be served in the county wherein the persons required to be served reside or may be found.

(5) The commission shall adopt rules as to the qualifications of persons who may serve as mediators and fact finders, maintain lists of such qualified persons who are not employees of the commission and initiate mediation and fact finding procedures pursuant to the provisions of this part.

(6) Pursuant to its established procedures, the commission shall resolve questions and controversies concerning claims for recognition as the bargaining agent for a bargaining unit, determine or approve units appropriate for purposes of collective bargaining and investigate charges of engagement in prohibited practices, and charges of striking by public employees.

447.005 Public employer's rights.—It is the right of the public employer to determine the purpose of each of its constituent agencies, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations. It is also the right of the public employer to direct its employees, take disciplinary action for proper cause, relieve its employees from duty because of lack of work or for other legitimate reasons, and determine the methods, means, and personnel by which the employer's operations are to be conducted; provided, however, that the exercise of such rights does not preclude employees or their representatives from conferring or raising grievances about the practical consequences that decisions on these matters may have on terms and conditions of employment.

447.006 Public employee's rights; organization and representation.—

(1) Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in any employee organization of their own choosing.

(2) Public employees shall have the right to be represented by any employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their public employer in the determination of the terms and conditions of their employment, and to be represented in the determination of grievances arising thereunder. Public employees shall have the right to refrain from exercising the right to be represented.

(3) Nothing in this part shall be construed to prevent any public employee from presenting, at any time, his own grievances, in person or by legal counsel, to his public employer, and having such grievances adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and if the bargaining agent has been given reasonable opportunity to be present at any meeting called for the resolution of such grievances.

447.007 Dues: deduction and collection.—Any employee organization which has met the requirement of section 447.009 of this part shall be eligible, upon agreement with the public employer, to have its dues and uniform assessments deducted and collected by the public employer from the salaries of those employees who present cards authorizing the deduction of such

dues and uniform assessments; provided that such authorization is revocable at the employee's will upon written notice.

447.008 Registration of employee organization.—

(1) Every employee organization, prior to requesting recognition by a public employer for purposes of collective bargaining or prior to submitting a petition to the commission for purposes of requesting a representation election, shall register with the commission by filing an annual report in a form prescribed by the commission, and an amended report whenever changes are made, which shall include:

(a) The name and address of the organization and of any parent organization or organization with which it is affiliated;

(b) The names and addresses of the principal officers and all representatives of the organization;

(c) The amount of the initiation fee and of the monthly dues which members must pay;

(d) The current annual financial statement of the organization;

(e) The name of its local agent for service of process and the address where such person can be reached; and

(f) A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin.

(2) The president of the organization shall, before an officer who is authorized by the laws of Florida to administer oaths, execute a sworn statement that each report and each amended report is accurate and that the representations made therein are true. Upon a showing that any part of the statement is willfully falsified, the commission may deny or rescind the registration of such organization, or in the alternative shall fine such organization an amount not in excess of ten thousand dollars (\$10,000). In the event the organization has negotiated a contract, the employee benefits under such contract shall not be impaired and shall be protected by the commission until the expiration thereof.

(3) A registration fee shall accompany the initial report filed with the commission. Such money shall be used to defray the cost of registration and investigation of the filing party, with the remainder to be deposited in the general revenue fund. The amount charged for registration shall not exceed fifteen dollars (\$15) for municipal organizations and twenty-five dollars (\$25) for county or state organizations.

(4) Every employee organization shall keep accurate accounts of its income and expenses which accounts shall be open for inspection by any member of the organization or by the commission at all reasonable times.

(5) A copy of the employee organization's current constitution and bylaws shall accompany each annual report.

(6) An employee organization which is not registered as provided in this section, is prohibited from requesting recognition by a public employer or submitting a petition requesting a representation election. This prohibition shall be enforced by injunction upon petition of the commission to the appropriate circuit court.

447.009 Certification of Employee Organization.—

(1) Any employee organization which is designated or selected by a majority of public employees in an appropriate unit as their representative for purposes of collecting bargaining may request recognition by the public employer. The public employer shall, if satisfied as to the majority status of the employee organization and the appropriateness of the proposed unit, recognize the employee organization as the collective bargaining representative of employees in the designated unit. Upon recognition by a public employer, the employee organization shall immediately petition the commission for certification. The commission shall review only the appropriateness of the unit proposed by the employee organization. If the unit is appropriate according to the criteria used in this part, the commission shall immediately certify the employee organization as the exclusive representative of all employees in the unit.

(2)(a) Any employee organization may file a petition with the commission for certification as the bargaining agent for a proposed bargaining unit. The petition shall contain a sworn statement that thirty percent (30%) or more of the public employees in the proposed bargaining unit desire to be represented for purposes of collective bargaining by the employee organization filing the petition. Provided that any employee, employers or employee organization having sufficient reason to believe any of the employee signatures were obtained by collusion, coercion, intimidation or misrepresentation or are otherwise invalid, shall be given a reasonable opportunity to verify and challenge the signatures appearing on the petition.

(b) The petition shall also allege that the employee organization presently certified as the bargaining agent, if there by such, is no longer the choice of a majority of the public employees of the bargaining unit as their bargaining agent.

(3) The commission shall investigate the petition to determine its sufficiency and whether a controversy or question concerning representation exists.

(4) Where a petition is filed pursuant to the provisions of subsection (2) of this section, and the commission finds after an investigation of the allegations of the petition that a question concerning representation exists, it shall immediately:

(a) Define the proposed bargaining unit and determine which public employees shall be qualified and entitled to vote at any election held by the commission.

(b) Identify the public employer or employers for purposes of collective bargaining with the bargaining agent; and

(c) Order an election by secret ballot.

(5)(a) In defining a proposed bargaining unit, the commission shall take into consideration:

1. The desires and recommendations of the public employer and public employees to be represented;

2. The duties, skills, and working conditions of the public employees to be represented;

3. The geographical location of the public employer or of the public employees to be represented, or both;

4. The occupational classifications of the public employees to be represented;

5. The extent of organization among the public employees to be represented;

6. The principles of efficient administration of government;

7. The community of interest among the employees to be included in the unit;

8. The organizational structure of the public employer;

9. The history of employee relations within the organization of the public employer;

10. Such other factors and policies as the commission may prescribe by regulations or by its decisions;

Provided that no unit shall be established for purposes of recognition which includes both professional and nonprofessional employees unless a majority of each group votes for inclusion in such unit.

(b) In defining a proposed bargaining unit the commission, in addition to the considerations required by paragraph (a) above, shall also take care to insure that the representation of public employees is not fractionalized to an extent which would diminish the effectiveness and general purposes of this part.

447.011 Collective bargaining; approval or rejection.—

(1) Whenever the bargaining agent of a bargaining unit has been certified pursuant to the provisions of this part, such bargaining agent and the representative of the appropriate public employer or employers jointly, shall bargain collectively in the determination of the terms and conditions of employment of the public employees within the bargaining unit. The public employer, or its representative, and the bargaining agent, or its representative, shall meet at reasonable times and confer in good faith. Any collective bargaining agreement reached by the negotiators shall be reduced to writing and such agreement

shall be signed by the negotiators for the public employer and the bargaining agent.

(2) Any collective bargaining agreement shall not provide for a term of existence of more than three (3) years. Any provision of a collective bargaining agreement that is in conflict with the state constitution or with an applicable home rule county or city charter shall be void in its entirety.

(3) If any provision of a collective bargaining agreement is in conflict with any law, ordinance, rule, or regulation over which the chief executive officer has no amendatory power, the chief executive officer shall submit to the appropriate governmental body having amendatory power a proposed amendment to such law, ordinance, rule, or regulation

Unless and until such amendment is enacted or adopted and becomes effective, the conflicting provision of the collective bargaining agreement shall not become effective. If such amendment is not enacted or adopted, the conflicting provision of the collective bargaining agreement shall in no way be considered a part of the collective bargaining agreement and shall be returned to the chief executive officer and the bargaining agent for further negotiation, at their discretion.

(4) Provided that any ordinance, rule, regulation, charter or other law pursuant to which a governmental body operates which abridges any rights granted or obligations imposed by this act shall be void.

(5) In his annual budget request to the legislature body the chief executive officer shall include such amounts as shall be sufficient to fund the provisions of the collective bargaining agreement. If less than the requested amount is appropriated, the collective bargaining agreement shall be returned to the chief executive officer and the bargaining agent for further negotiations within the framework of the amount of the funds so appropriated. Upon written resolution adopted by the legislative body of a public employer of any political subdivision the time periods prescribed by this section and section 447.014 (1), Florida Statutes, shall be modified to conform to the budget submission procedures of such public employer. Provided, however, that all proposals having any fiscal impact which are not submitted to the public employer at least one hundred twenty (120) days prior to the budget submission date established by the public employer shall not be considered in negotiations between the public employer and the employee organizations nor become the basis of any part of a written agreement, and further provided that any such proposal shall not be considered in the mediation or fact-finding procedures provided in this act.

447.012 Grievance procedures.—Each public employer, including one whose employees are not represented by a certified bargaining agent, may establish a grievance procedure to be used for the settlement of disputes between the employer and employee or group of employees. If an employee organization is certified as the bargaining agent of an employee unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. A career service employee shall have the option of utilizing the civil service appeal procedure or a grievance procedure established under this section, but such employee cannot use both a civil service appeal and a grievance procedure.

447.013 Scope of a written agreement.—The scope of a written agreement may extend to matters relating to terms and conditions of employment except, however, that the scope of a written agreement shall not include provisions relating to (i) any right or obligation created by federal, state or local law, (ii) public employee rights defined in section 4 of this act, (iii) public employer rights defined in section 5 of this act, (iv) the authority and power of any civil service commission, personnel board, personnel agency or its agents established by constitutional provision, statute or charter.

447.014 Resolution of impasses.—

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, or if no agreement is reached within sixty (60) calendar days prior to the budget submission date of the public employer, and impasse shall be deemed to have occurred. Where an impasse occurs, either the public employer or the bargaining agent, or both jointly, may petition the commission to initiate mediation.

(2) Upon receipt of such petition, the commission shall immediately initiate mediation procedures by submitting to both parties a list containing the names of at least five (5) disinterested persons qualified as mediators. Additional names may be submitted by the parties. Within three (3) calendar days the parties shall select a mediator from such list, in accordance with procedures to be established by the commission. The mediator shall bring the parties together and attempt, through mediation and conciliation techniques, to obtain a resolution to the impasse.

(3) If the impasse is not resolved within fifteen (15) calendar days after appointment of the mediator, the commission, after consultation with the mediator, shall:

(a) Discharge the mediator; appoint a fact finding board; and submit all unresolved issues to a fact finding board.

(b) Fact-finding Board. The board of fact finders herein-after referred to in this part as the board, shall be composed of three (3) persons, one (1) appointed by the public employer, one (1) appointed by the bargaining agent involved, and a third member to be agreed upon by the public employer and such bargaining agent. The members of the board representing the public employer and the public employee organization shall be named within five (5) days from the date the commission requests their appointment. No later than ten (10) days from the date of the appointment of the two (2) fact-finders appointed by the public employer and by the bargaining agent the third fact-finder shall be selected by the previously appointed members in accordance with the rules of the Florida Public Employees Relations Commission. The third fact-finder shall act as Chairman of the Board.

447.16 Factors to be considered by fact-finding board. The board shall conduct the hearings and render their decision with the objective of achieving a prompt, peaceful and just settlement of disputes between the public employee organizations and the public employer. The factors, among others, to be given weight by the board in arriving at a decision shall include:

(1) Comparison of the annual income of employment of the public employees in question with prevailing annual income of employment of skilled employees of the building trades and industry in the local operating area involved.

(2) Comparison of the annual income of employment of the public employees in question with the annual income of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

(3) Comparison of the annual income of employment of the public employees in question with the annual income of employment of public employees in similar public employee governmental bodies of comparable size within the state of Florida.

(4) Interest and welfare of the public.

(5) Comparison of peculiarities of employment in regard to other trades or professions, specifically:

- (a) Hazards of employment;
- (b) Physical qualifications;
- (c) Educational qualifications;
- (d) Mental qualifications;
- (e) Job training and skills;
- (f) Retirement plans;
- (g) Sick leave;
- (h) Job security.

447.015 Fact-finding board hearings.—

(1) The board shall, acting through its chairman, call a hearing to be held within ten (10) days after the date of the appointment of the chairman and shall, acting through its chairman, give at least seven (7) days notice in writing to each of the other two (2) fact-finders, of the time and place of such hearing. The hearing shall be informal and the rules of evidence prevalent in judicial proceedings shall not be binding.

Any and all documentary evidence and other data deemed relevant by the board may be received in evidence. The board shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues presented to them for determination. The hearing conducted by the board shall be concluded within twenty (20) days of time of commencement; within ten (10) days after the conclusion of the hearings, the fact-finding board shall submit a report to the commission containing findings and recommendations upon the issues in dispute, a copy of which report shall be mailed or otherwise delivered to the bargaining agent or its attorney or other designated representative and the public employer representative, his attorney, or designated representative. The majority decision of the fact-finders shall be advisory only.

(2) If the dispute is not resolved within ten (10) calendar days following receipt of the findings of fact and recommendations of the board by the parties, the fact-finding board shall make public their findings and recommendations.

(3) In the event the dispute has not been resolved within ten (10) calendar days after the findings and recommendations of the fact finding board have been made public, the commission shall immediately arrange to present such findings and recommendations to the next regular or special session or meeting of the appropriate legislative body. At the same meeting or session, the representative of the public employer and bargaining agent may submit separate recommendations for resolving the dispute.

(4) If the legislative body approved the proposed agreement, it shall implement the terms of such agreement in the form of a law, ordinance, resolution, executive order, rule, regulation, or policy, as the case may be.

447.017 The compensation, if any, of the fact-finder appointed by the public employee organization shall be paid by them. The compensation of the fact-finder appointed by the public employer shall be paid by them. The expense of the third fact-finder shall be borne equally by the public employer and the public employees organization. All stenographic and other expenses will be divided equally between the parties.

447.018 Records.—All records which are relevant to or have bearing upon any issue or issues raised by the fact-finding proceedings in this act shall be made available to the fact-finding board by the request in writing of any of the parties to the fact-finding. The costs of mediation shall be borne equally by the parties.

447.019 Unfair labor practices.—

(1) Public employers or their agents or representatives are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this act.

(b) Encouraging or discouraging membership in any employee organization by discrimination in regard to hiring, tenure, or other conditions of employment;

(c) Refusing to bargain collectively or failing to bargain collectively in good faith, or refusing to sign an agreement orally agreed upon with the certified bargaining agent for the public employees in the bargaining unit;

(d) Discharging or discriminating against a public employee because he has filed charges or given testimony under this part;

(e) Dominating, interfering with, or assisting in the formation, existence, or administration of any employee organization, or contributing financial support to such an organization;

(f) Refusing to discuss grievances or failing to discuss grievances in good faith, with either the certified bargaining agent for the public employee or employees involved.

(2) A public employee organization or anyone acting in its behalf, its officers, representatives, agents or members are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this act;

(b) Causing or attempting to cause a public employer to discriminate against an employee because of the employee's membership or nonmembership in an employee organization or to attempt to cause the public employer to violate any of the provisions of this part;

(c) Refusing to bargain collectively, or failing to bargain collectively in good faith with a public employer;

(d) Discriminating against an employee because he has signed or filed an affidavit, petition, or complaint, or given any information or testimony in any proceedings provided for in this part;

(e) Participating in a strike against a public employer by instigating or supporting, in any positive manner, a strike. Any violation of this section shall subject the violator to the penalties provided in this act.

(3) Notwithstanding the provisions of subsections (1) and (2), the parties' rights of free speech shall not be infringed upon and the expression of any arguments or opinions shall not constitute or be evidence of an unfair employment practice or of any other violation of this part, if such expression contains no promise of benefits, nor threat of reprisal or force.

447.020 Charges of unfair labor practices.—Violations of the provisions of section 447.019, Florida Statutes, shall be remedied by the commission in the following manner:

(1) Whenever it is charged by an employer or an employee organization that any person has engaged in or is engaging in any unfair labor practice, the commission, or any agent designated by the commission for such purpose, shall conduct a preliminary investigation to determine if there is substantial evidence indicating a prima facie violation of the applicable unfair labor practice provision.

(a) Upon so determining, the commission or such agent shall issue and cause to be served upon the person, a copy of the charges and a notice of hearing before the commission or a member thereof, or before a designated agent, at a place therein fixed, to be held not less than ten (10) days after service of a copy of the charges by the commission. Any charge may be amended by the charging party, at any time prior to the issuance of an order based thereon, provided that the charged party is not unfairly prejudiced thereby. The person upon whom the charge is served may file an answer to the charge. The charging party and the respondent shall have the right to appear in person or otherwise and give testimony at the place and time fixed in the notice of hearing. In the discretion of the member or agent conducting the hearing, or the commission, any other person may be allowed to intervene in the proceeding and to present testimony. In any hearing the commission shall not be bound by the judicial rules of evidence.

(b) If, upon a preliminary investigation, it is determined that there is not substantial evidence indicating a prima facie violation of the applicable unfair labor practice provision, the designated agent of the commission shall dismiss the charge.

(c) A charging party, so dismissed, may appeal to the chairman and one other member of the commission, and if they find substantial evidence of a meritorious charge, that charge shall be reinstated and served pursuant to the procedures of subsection (a) of this section.

(d) Whenever a charging party alleges that a person has engaged in unfair labor practices and that he will suffer substantial and irreparable injury if he is not granted temporary relief, he may petition the circuit court for appropriate injunctive relief, pending the final adjudication by the commission with respect to such matter. Upon the filing of any such petition, the court shall cause notice thereof to be served upon the parties, and thereupon shall have jurisdiction to grant such temporary relief or re-restraining order as it deems just and proper.

(3) The testimony taken by the member, agent, or the commission shall be reduced to writing and filed with the commission. Thereafter the commission, upon notice, may take further testimony or hear argument.

(a) If, upon consideration of all evidence taken, the commission finds substantial evidence that an unfair labor practice

has been committed then it shall state its findings of fact and shall issue and cause to be served an order requiring the respondent party to cease and desist from the unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this part. The order may further require the person to make reports from time to time showing the extent to which he has complied with the order.

(b) If, upon consideration of the evidence taken, the commission finds that the person or entity named in the charge has not engaged in and is not engaging in the unfair labor practice, the commission shall state its findings of fact and shall issue an order dismissing the charge.

(c) No notice of hearing shall be issued based upon any unfair labor practice occurring more than six (6) months prior to the filing of the charge with the commission, unless the person aggrieved thereby was prevented from filing the charge by reason of service in the armed forces, in which event, the six (6) month period shall be computed from the day of his discharge.

(d) No order of the commission shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if the individual was suspended or discharged for cause.

(4) The district courts of appeal are empowered, upon the filing of an appropriate petition, to review orders of the commission. Until the record in a case has been filed in the appropriate district court of appeal, the commission at any time, upon reasonable notice and in such manner as it deems proper, may modify or set aside, in whole or in part, any findings or order made or issued by it.

(5)(a) The commission or the charging party may petition for enforcement of the order and for appropriate injunctive relief, and shall file the record of the proceedings before the commission in the district court of appeal.

(b) Upon the filing of the petition, the appropriate district court of appeal shall cause notice thereof to be served upon the respondent, and thereupon shall have jurisdiction of the proceeding and shall grant such temporary or permanent relief or restraining order as it deems just and proper, enforcing, modifying, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission, its members or agent, shall be considered by the district court of appeal, unless the failure or neglect to urge the objection is excused because of extraordinary circumstances. The findings of the commission, with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(c) If either party applies to the court for leave to present additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to present it in the hearing before the commission, its members or agent, the court may order the additional evidence to be taken before the commission, its members or agent, and to be made a part of the record. The commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file the modifying or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order.

(d) Upon the filing of the record the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review in accordance with the rules of appellate procedure. An appropriate district court of appeal may enforce its rulings by contempt proceedings, if necessary.

(e) If the commission's final decision is adverse to the charging party, and the charging party fails to seek review within thirty (30) calendar days, in accordance with the rules of appellate procedure, the commission's order shall be final and binding and shall thereafter, upon the petition of the commission, be automatically enforced by the appropriate district court of appeal if the charging party fails or refuses to comply with the order or decision.

(6) Any person aggrieved by a final order of the commission granting or denying in whole or in part the relief sought, may obtain a review of such order by filing in the appropriate district court of appeal a petition praying that the order of the commission be modified or set aside. A copy of the petition shall be filed with the commission. Thereupon, the aggrieved party shall file in the said court the record in the proceeding certified by the commission. Upon the filing of the petition, the court shall proceed in the same manner as under subsection (5), and shall grant to the commission such temporary relief or restraining order as it deems just and proper, enforcing, modifying, or setting aside, in whole or in part, the order of the commission. The findings of the commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(7) The commencement of proceedings under subsections (5) or (6) shall not, unless specifically ordered by the district court of appeal, operate as a stay of the commission's order.

(8) Petitions filed under this part shall be heard expeditiously by the district court of appeal to which presented, and shall take precedence over all other civil matters except prior matters of the same character.

447.021 Strikes prohibited.—No public employee or employee organization may participate in a strike against a public employer by instigating or supporting, in any manner, a strike. Any violation of this section shall subject the violator to the penalties provided in this part.

447.022 Violation of strike prohibition; penalties.—

(1) Circuit courts having jurisdiction of the parties are vested with the authority to hear and determine all actions alleging violations of section 447.021, Florida Statutes. Suits to enjoin violations of section 447.021, Florida Statutes, will have priority over all matters on the court's docket except other emergency matters.

(2) If a public employee, a group of employees, an employee organization, or any officer, agent, or representative of any employee organization, engages in a strike in violation of section 447.021, Florida Statutes, the commission or any public employer whose employees are involved or whose employees may be affected by the strike, may file suit to enjoin the strike in the circuit court having proper jurisdiction and proper venue of such actions under Florida Rules of Civil Procedure and Florida Statutes. The circuit court shall conduct a hearing, with notice to all interested parties, at the earliest practicable time. If the plaintiff makes a prima facie showing that a violation of section 447.021, Florida Statutes, is in progress or that there is a clear, real and present danger that such a strike is about to commence, the circuit court shall issue a temporary injunction enjoining the strike. Upon final hearing, the circuit court shall either make the injunction permanent or dissolve it.

(3) If an injunction issued pursuant to this section to enjoin a strike is not promptly complied with, on the application of the plaintiff, the circuit court shall immediately initiate contempt proceedings against those who appear to be in violation. An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the extent of lost services and the particular nature and position of the employee group in violation. In no event shall the fine exceed five thousand dollars (\$5,000). Each officer, agent or representative of an employee organization or any public employee found to be in contempt of court for violating an injunction against a strike, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each calendar day that the violation is in progress.

(4) An employee organization shall be liable for any damages which might be suffered by a public employer, or any other person, natural or corporate, as a result of a violation of the provisions of section 447.021, Florida Statutes, by the employee organization or its representatives, officers and agents. The circuit court having jurisdiction over such actions is empowered to enforce judgments against employee organizations, as defined in this part, by attachment or garnishment of union initiation fees or dues which are to be deducted or checked off by public employers.

(5) If the commission after a hearing determines an employee has violated section 447.021, Florida Statutes, it may order the termination of his employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation be appointed or reappointed, employed or reemployed, as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of six (6) months following his appointment or reappointment, employment or reemployment, during which period he shall serve without tenure. During this period, the person may be discharged only upon a showing of just cause;

(b) His compensation may in no event exceed that received by him immediately prior to the time of the violation;

(c) The compensation of the person may not be increased until after the expiration of one (1) year from such appointment or reappointment, employment or reemployment.

(6)(a) If the commission determines an employee organization has violated section 447.021, Florida Statutes, it may:

1. Issue cease and desist orders as necessary to insure compliance with its order.

2. Suspend or revoke the certification of the employee organization as the bargaining agent of such employee unit.

3. Revoke the privilege of check-off of dues deduction and collection previously granted to said employee organization.

4. Fine the organization up to twenty thousand dollars (\$20,000) for each calendar day of such violation or determine the approximate cost to the public due to each calendar day of the strike and fine the organization an amount equal to such cost, notwithstanding the fact that the fine may exceed twenty thousand dollars (\$20,000) for each such calendar day. The fines so collected shall immediately accrue to the public employer and shall be used by him to replace those services denied the public as a result of the strike.

(b) An organization determined to be in violation of section 447.021, Florida Statutes, shall not be certified until one (1) year from the date of final payment of any fine against it.

(7) Orders of the commission pursuant to this section are reviewable in the district court of appeal and may be enforced by such court.

447.023 Other unlawful acts.—

(1) Employee organizations, their members, agents, representatives, or any persons acting on their behalf are hereby prohibited from:

(a) Soliciting public employees during working hours of any employee who is involved in the solicitation;

(b) Distributing literature during working hours in areas where the actual work of public employees is performed, such as offices, warehouses, schools, police stations, fire stations and any similar public installations. This section shall not be construed to prohibit the distribution of literature during the employee's lunch hour or in such areas not specifically devoted to the performance of the employee's official duties.

(c) Instigating or advocating support, in any positive manner, for an employee organization's activities from high school or grade school students during classroom time.

(2) No employee organization shall directly or indirectly pay any fines or penalties assessed against individuals pursuant to the provisions of this part.

(3) The circuit courts of this state shall have jurisdiction to enforce the provisions of this section by injunction and contempt proceedings, if necessary. A public employee who is convicted of a violation of any provision of this section may be discharged or otherwise disciplined by his public employer, notwithstanding further provisions of law, and notwithstanding the provisions of any collective bargaining agreement.

447.024 Merit or civil service system; applicability.—The provisions of this part shall not be construed to repeal, amend, or modify the provisions of any law or ordinance establishing a merit or civil service system for public employees or the rules and regulations adopted pursuant thereto; or to prohibit or

hinder the establishment of other such personnel systems unless the provisions of such merit or civil service system laws, ordinances or rules and regulations adopted pursuant thereto are in conflict with the provisions of this part, in which event such laws, ordinances, or rules and regulations shall not apply, except as provided in section 447.006(3) of this part.

447.025 Local option.—Any district school board or political subdivision (other than the state or a state public authority), may elect to adopt by ordinance, resolution or charter amendment its own provisions and procedures in lieu of the requirement of this part, provided that such provisions and procedures effectively secure to public employees substantially equivalent rights and procedures as set forth in this part. Any interested party may apply to the circuit court of the circuit in which the respective school district or political subdivision is located for a determination as to whether local provisions or procedures, or both, are substantially equivalent to the provisions and procedures set forth in this part. The determination of the circuit court may be appealed to the district court of appeal. All public employee agreements now in existence shall remain in effect until their expiration.

Section 3. It is declared to be legislative intent that, the provisions of this act are severable; if any section, subsection, sentence, clause or provision is found to be unconstitutional or invalid for any reason, the same shall not affect the remaining provisions of this section provided, however, that if sections 447.019(2)(e), 447.021 or 447.022 are declared unconstitutional or invalid in whole or in part the remainder of Part II shall also be invalid.

Section 4. Subsection (1) of section 230.22 Florida Statutes, is amended to read:

230.22 General powers of school board.—The school board, after considering recommendations submitted by the superintendent, shall exercise the following general powers:

(1) DETERMINE POLICIES.—The school board shall determine and adopt such policies as are deemed necessary by it for the efficient operation and general improvement of the district school system. ~~In arriving at a determination of policies affecting certificated personnel, the school board may appoint or recognize existing committees composed of members of the teaching profession, as defined in the professional teaching practices act, §§231.54, 231.55, 231.57, 231.58, 231.59. When such committees are involved in the consideration of policies for resolving problems or reaching agreements affecting certificated personnel the committee membership shall include certificated personnel representing all work levels of instructional and administrative personnel as defined in the school code.~~

Section 5. Section 889.221, Florida Statutes, is hereby repealed.

Section 6. All bargaining, negotiating, mediation proceedings and hearings of the fact-finding board under this part shall be subject to section 286.011, Florida Statutes.

Section 7. This act shall take effect January 1, 1973, except that Section 447.003, 447.004 and 447.008(1)(2)(3)(4) and (5), Florida Statutes, shall become effective July 1, 1972, or at such time as the administrative rules and regulations of the commission have been adopted, whichever is first.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Plante, the Senate refused to concur in the substitute House amendments for Senate amendments 1, 5 and 7 to CS for HB 2003, and the House was requested to recede therefrom and again requested to concur in Senate amendments 1, 5 and 7. The action of the Senate was certified to the House.

On motion by Senator Hollahan, Rule 4.14 requiring fifteen minutes' notice was waived and unanimous consent was obtained to take up out of order—

SB 763—A bill to be entitled An act relating to the designation of a state insect; creating §15.035, Florida Statutes, to designate the praying mantis as the state insect; providing an effective date.

On motions by Senator Trask, by two-thirds vote, SB 763 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and immediately certified to the House by waiver of the rule. The vote was:

Yeas—44

Mr. President	Daniel	Karl	Reuter
Arnold	Deeb	Knopke	Saunders
Barron	de la Parte	Lane	Saylor
Barrow	Fincher	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Stolzenburg
Bell	Gunter	McClain	Trask
Bishop	Henderson	Myers	Ware
Boyd	Hollahan	Ott	Weber
Brantley	Horne	Plante	Weissenborn
Broxson	Johnson (29th)	Pope	Williams
Childers	Johnson (34th)	Poston	Wilson

Nays—None

By unanimous consent Senator Haverfield was recorded as voting yea.

Co-introducers

By permission Senators Thomas, Arnold, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Brantley, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Fincher, Gong, Graham, Gunter, Haverfield, Henderson, Hollahan, Horne, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Pope, Poston, Reuter, Saunders, Saylor, Scarborough, Stolzenburg, Ware, Weber, Weissenborn, Williams and Wilson were recorded as co-introducers of SB 763.

On motion by Senator Hollahan at 9:35 a.m., the Senate resolved itself into a Committee of the Whole for the purpose of presenting gifts of appreciation on behalf of the Senate to President and Mrs. Jerry Thomas and President Pro Tempore and Mrs. Wilbur H. Boyd.

On motion by Senator Hollahan, Senator Horne was designated chairman of the Committee of the Whole.

Senator Horne presiding.

A quorum present.

Following the presentation of gifts, the President and President Pro Tempore responded with expressions of gratitude.

Senator Hollahan moved that the Committee of the Whole rise. The motion was adopted and the Senate was called to order by the President at 9:58 a.m. A quorum present.

On motion by Senator Weissenborn, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SJR 292—A joint resolution proposing an amendment to Article XII, Section 9(a), of the State Constitution to delete the prohibition against the issuance of revenue bonds under the authority of Article IX, Section 17, of the Constitution of 1885, as amended; providing that revenue bonds, revenue certificates, or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state authorized to do so by law.

Whereas, Article IX, Section 17, of the Constitution of 1885, as amended, originally authorized the issuance of revenue bonds to acquire lands, water areas and related resources and to construct, improve, enlarge and extend capital improvements and facilities thereon in furtherance of outdoor recreation, natural resources conservation and related purposes; and

Whereas, many worthwhile projects of great natural beauty and public benefit were acquired, preserved and improved with the proceeds of the revenue bonds issued pursuant to such authority; and

Whereas, the State Constitution, as revised in 1968, prohibited the further issuance of revenue bonds pursuant to said Article IX, Section 17, of the Constitution of 1885; and

Whereas, the governmental reorganization act of 1969, chapter 69-106, laws of Florida, acts of 1969, abolished the former outdoor recreational development council and transferred its duties and responsibilities to the department of natural resources, division of recreation and parks; and

Whereas, it is found to be essential and in the public interest to reinstitute such program of capital outlay financing for the above-stated purposes, through the agencies created by law to issue bonds and carry out recreation and conservation programs, now, therefore,

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Article XII, Section 9, Subsection (a), of the State Constitution is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1972:

SECTION 9. Bonds.—

(a) **ADDITIONAL SECURITIES.** ~~No additional revenue bonds shall be issued pursuant to Article IX, Section 17, of the Constitution of 1885, as amended, Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.~~

Article XII, Section 19 of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five percent (5%) per annum or such higher interest as may be authorized by statute passed by a three-fifths (3/5) vote of each house of the legislature. No revenue bonds or tax anticipation certificates shall be issued pursuant thereto after June 30, 1975.

(b) **REFUNDING BONDS.** Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) **MOTOR VEHICLE FUEL TAXES.**

(1) A state tax, designated "second gas tax", of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued for a period of forty consecutive years. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower net average interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same

revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty percent to the state agency supervising the state road system and twenty percent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9 (c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five percent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five years of operation of new projects to be financed. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls and portions of the "second gas tax" allocated to that county.

(d) **SCHOOL BONDS.** Article XII, Section 18, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five percent per annum or such higher interest as may be authorized by statute passed by a three-fifths vote of each house of the legislature. Bonds issued pursuant to this sub-section (d) shall be payable primarily from revenues as provided in Article XII, Section 18, of the Constitution of 1885, as amended, and if authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When authorized by law, bonds issued pursuant to Article XII, Section 18, of the Constitution of 1885, as amended, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

(e) **DEBT LIMITATION.** Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in apply-

ing the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

—passed on March 6.

On motion by Senator Weissenborn, the following amendment was adopted:

Amendment 1—Following page 3, number the page with 8 lines of content page “3-A” and diagonal-line empty portion thereof

On motion by Senator Weissenborn CS for SJR 292 as amended was read in full, passed with the required three-fifths vote of the membership and ordered engrossed. The vote was:

Yeas—45

Mr. President	de la Parte	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Barron	Fincher	Lewis (33rd)	Stolzenburg
Barrow	Gong	Lewis (43rd)	Trask
Beaufort	Gunter	McClain	Ware
Bell	Haverfield	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Broxson	Horne	Pope	Wilson
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	
Deeb	Karl	Saunders	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

UNFINISHED BUSINESS

On motion by Senator Broxson, consideration of CS for SB 239 with pending amendment was deferred.

SPECIAL AND CONTINUING ORDER

SB 284 was taken up, together with:

By the Committee on Judiciary—Criminal—

CS for SB 284—A bill to be entitled An act relating to abortion; stating findings and legislative intent; providing definitions; prohibiting abortions in this state unless performed under certain requirements and conditions; providing a residency requirement; providing for consent and physician's certification and requirement that abortion be performed in an approved medical facility; providing for the filing of a report; providing penalties for the performance of an unlawful abortion; providing specifically for the voluntary nature of the act; providing a severability clause; repealing sections 782.10, 797.01, and section 458.12(1)(i), Florida Statutes; providing an effective date.

—which was read the first time by title and SB 284 was laid on the table.

On motion by Senator Barrow, by two-thirds vote CS for SB 284 was read the second time by title.

Senator Myers moved the adoption of the following amendment:

Amendment 1—On page 1, line 24, strike everything after “Be It Enacted by the Legislature of the State of Florida:” and insert: Section 1. Legislative Intent.— The legislature finds and declares as follows:

(1) The state has an interest in preserving the sanctity of human life. Unborn human life, as well as the life and health of women and their families, must be respected and included in the consideration of any rational state policy on abortion.

(2) Florida's present abortion law, originally enacted in 1868 and unchanged since that date, has not served as a valid expression of the state's concern for human life, born or unborn.

The law has not prevented, but rather has encouraged, increasing numbers of illegal and criminal abortions, often performed under hazardous circumstances, resulting in permanent injury or death. The effect of the present law has not been to preserve human life but to endanger it, not to promote the sanctity of life but to debase it. The present law is failing to carry out its original intention: To preserve and protect the life and health of those affected.

(3) The deaths, sterility and harm to physical and mental health resulting from the large number of illegal abortions each year could largely be prevented if such abortions were performed by competent physicians in proper hospital surroundings, within the framework of reasonable legislation.

(4) The penal law on abortion should reflect a broad consensus of the community and should not impose penal sanctions against conduct which the medical profession and a very large majority of the community regard as necessary or proper under certain circumstances.

(5) The wide disparity between the statutory law on abortion and actual practice encourages a disrespect for the law in general, and places the conscientious physician in an intolerable conflict between his medical duty to his patient and his duty as a citizen to uphold the law.

(6) The present abortion law places an unfair discrimination on the poor, in that persons with financial means may obtain safe abortions either by travelling to other jurisdictions, by going to high-priced, competent though illegal abortionists, or by obtaining legal abortions in Florida based on sophisticated psychiatric indication.

(7) Fundamental rights of the woman and her family in matters relating to marriage, family and sex, as delineated by court decisions, now mandates that Florida's abortion law be modified to effect a proper balance between the rights and interests of those involved in abortion decisions. The result of these court rulings is the evolution of the concept that there is a certain zone of individual privacy which is protected by the constitution and which cannot be invaded unless the state has a compelling subordinating interest that outweighs the individual rights of the person involved. The legislature finds that the only justification for a compelling state interest in the area of abortion decisions is when (a) the rights and interests of a quickened or viable fetus is involved, and (b) if an abortion is performed, it is performed by a licensed physician in proper medical surroundings.

(8) An abortion performed in the early stages of pregnancy—within the first twelve (12) weeks—is a safe medical procedure. According to established medical knowledge, viability or quickening of the fetus occurs within the sixteenth to twentieth week of gestation. The legislature declares that the rights and interests of the woman during the first trimester of gestation, prior to quickening of the embryo, outweigh the interests of the unquickened fetus; but after the first trimester the state has a compelling interest in protecting the rights of the unborn embryo, and an abortion should not be performed after the said first trimester unless there is a clear medical indication that continuation of the pregnancy will result in the death of the woman, or would gravely and permanently impair her health, or will result in the birth of a child with a severe and permanent mental or physical defect.

(9) No abortion statute should in any way require anyone, ever, to have an abortion. At the same time, anyone should have the right to refuse to perform or participate in such a medical procedure on moral or religious grounds. Performance of an abortion, under the restricted and limited circumstances set forth in this statute, is purely a voluntary act, a matter of personal conscience and choice.

(10) The state does not recognize abortion as a desirable means of birth control. Nevertheless abortions do occur, in great numbers, and they cannot be ignored. It is in the public interest that the manner and circumstances under which abortions are performed be clearly delineated by the legislature and strong penalties be provided for the performance of illegal abortions.

Section 2. Definitions.—For the purpose of this act:

(1) “Abortion” means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.

(2) "Gestation" means the period of time during which a woman carries a fetus in her womb, from conception to birth.

(3) "Approved medical facility" means a hospital licensed by the state or operated by the United States, this state, or any department, agency, or political subdivision of either, or any other medical facility approved by the state.

(4) "Physician" means a doctor of medicine or osteopathic medicine, licensed by the state of Florida under chapters 458 or 459, Florida Statutes, or a physician practicing medicine or osteopathy in the employ of the government of the United States or this state.

Section 3. No abortion shall be performed in this state unless:

(1) The abortion is performed by a physician; and

(2) The abortion is performed in an approved medical facility; and

(3) The woman upon whom the abortion is to be performed is domiciled in this state and has been physically present in the state for at least ninety (90) days immediately preceding such abortion. The affidavit of such woman shall be prima facie evidence of compliance with this requirement; and

(4) The request of the pregnant woman is obtained, as well as the consent of her husband, if she is married, unless the husband is voluntarily living apart from the wife; and

(5) If the pregnant woman is under eighteen (18) years of age and unmarried, then in addition to her request the consent of a parent, custodian or legal guardian must be obtained; and

(6) In addition to the foregoing requirements, if the abortion occurs after the twelfth week of gestation, one or more of the following conditions must exist:

(a) at least two physicians, who are not associated together in the practice of medicine, certify that in their separate medical opinion, continuation of the pregnancy would endanger the life of the woman or would impair her health; or

(b) to a reasonable degree of medical certainty as determined by two physicians who are not associated together in the practice of medicine, the continuation of the pregnancy will result in the birth of a child with grave and permanent physical or mental defect.

(7) Notwithstanding the provisions for consent of the husband required in paragraph (4) above, if to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman, an abortion may be performed upon the request of the woman only; provided, however, all other requirements of this section shall apply before such abortion be authorized.

(8) The residency requirement contained in subparagraph (3) of section 3 shall not be a condition precedent to the performance of an abortion by reason of either of the medical indications set forth under subparagraph (6) (a) or (b).

Section 4. Penalties.—

(1) Any abortion not performed in compliance with the requirements of this act shall be deemed to be criminal abortion. Any person who performs a criminal abortion which does not result in the death of the woman shall be guilty of a felony and shall, upon conviction, be punished by imprisonment in the state prison not exceeding five (5) years or by fine not exceeding two thousand five hundred (\$2,500) dollars, or both.

(2) Any person who performs a criminal abortion which results in the death of a woman shall be guilty of manslaughter and shall, upon conviction, be punished by imprisonment in the state prison not exceeding twenty (20) years or by fine not exceeding ten thousand (\$10,000) dollars or both.

Section 5. Nothing herein shall require any medical facility or any person to participate in such abortion nor shall any medical facility or any person be liable for such refusal. No person who is a member of or associated with the staff of a medical facility or physician in which or by whom an abortion has been authorized or performed, who shall state an objection to such procedure on moral or religious grounds, shall be required to participate in the procedure, and the refusal of any such person or employee to participate shall not form the

basis for any disciplinary or other recriminatory action against such person.

Section 6. The director of any medical facility in which an abortion is performed is required to maintain a record of such procedures, which record shall include (a) the date of performance of the abortion; (b) the reason for same; (c) the period of gestation at the time of abortion and (d) the name of the patient. A copy of such record shall be filed with the state of Florida, department of health and rehabilitative services, which shall be responsible for the keeping of such records of abortion procedures in a central place from which statistical data and analysis can be made. The names of patients involved in abortion procedures shall be privileged information and deemed to be a confidential record and shall not be revealed by the medical facility involved or the Department of Health and Rehabilitative Services, except when ordered to do so by a court of competent jurisdiction in a civil or criminal proceeding. The confidentiality of the names of patients involved shall extend to the compilation and release of any statistical data compiled from the records required hereunder.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 8. Sections 782.10 and 797.01, Florida Statutes, are hereby repealed.

Section 9. This act shall take effect immediately upon becoming law.

On motion by Senator Wilson, the following amendment to amendment 1 was adopted:

Amendment 1a—On page 4, line 18, insert new section (6): (6) If the abortion is to be performed during the first twelve (12) weeks of pregnancy, the request required of the woman and her husband, if applicable, shall be made at least five days prior to the abortion; and in addition thereto she shall present a certificate prior to the abortion evidencing that she has received pre-abortion counselling by a licensed minister, psychiatric social worker, or physician.

re-number following sub-section

Senator Daniel presiding.

The President presiding.

On motion by Senator Hollahan, the rules were waived and time of adjournment was extended until final action on Amendment 1 as amended to CS for SB 284.

Amendment 1 as amended failed by the following vote:

Yeas—19

Arnold	Gong	Lane	Saylor
Beaufort	Graham	Myers	Trask
Bell	Horne	Ott	Weissenborn
Bishop	Johnson (29th)	Poston	Wilson
Boyd	Knopke	Saunders	

Nays—28

Mr. President	Deeb	Hollahan	Pope
Barron	de la Parte	Johnson (34th)	Reuter
Barrow	Ducker	Karl	Scarborough
Brantley	Fincher	Lewis (33rd)	Stolzenburg
Broxson	Gunter	Lewis (43rd)	Ware
Childers	Haverfield	McClain	Weber
Daniel	Henderson	Plante	Williams

The Senate recessed at 12:23 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m.
A quorum present—47:

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Sayler
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following amendment to the Senate Rules:

On page 68, Rule 9.5 is amended to read as follows:

9.5—A lobbyist shall submit to the Secretary of the Senate at the end of every second legislative week, commencing with the beginning of the session, within thirty (30) days following a regular session of the legislature a signed and certified statement listing all expenditures incurred, the purpose thereof, lobbying expenditures and sources from which funds for making such expenditures have come. Lobbying expenditures to be reported shall not include personal expenses for lodging, meals and/or travel. At the end of each calendar quarter, between the first and the tenth day of the ensuing month, each lobbyist, as long as his activity continues, Thereafter each lobbyist, so long as he remains so registered as a lobbyist, and every person who registers as a lobbyist, shall submit to the Secretary of the Senate like reports covering those periods in which the legislature is not in session. Within thirty days after the adjournment of the legislature, every lobbyist shall file with the Secretary of the Senate a complete and detailed statement, verified under oath by person making the same, of all expenses paid or incurred in connection with his employment as lobbyist, no later than Friday of the first week of each regular session a like signed and certified statement of all interim lobbying expenditures including expenditures at special sessions, if any. Said statements shall be rendered in the form provided by the Secretary and shall be open to public inspection of the Senate and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reporting period.

On motion by Senator Hollahan, the foregoing report was adopted.

On motion by Senator Haverfield, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

March 7, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Haverfield—

SB 347—A bill to be entitled An act authorizing and empowering the state, its departments, agencies, political subdivisions and legislatively established port and airport authorities to comply with the provisions of the federal relocation assistance and real property acquisition policies act of 1970 in

connection with public projects for which federal funds are available and used; providing an effective date.

Amendment 1—

On page 2, line 6, strike all of subsection (3) and insert the following: (3) "Displaced person" means any individual, partnership, corporation or association who is required to move from any real property on or after the effective date of this act as a result of the acquisition of such real property for public purposes, or who, as the result of the acquisition for public purposes of real property on which such person is conducting a business or farm operation as defined in Public Law 91-646, is required to move said business or farm operation.

Amendment 2—

On page 3, line 2, insert the following: This authority shall include, as a last resort, the use of eminent domain powers to acquire real property for replacement housing as required by Public Law 91-646.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Haverfield, the Senate concurred in House amendment 1 to SB 347.

Senator Haverfield moved that the Senate concur in House amendment 2. Pending consideration thereof, on motion by Senator Hollahan further consideration of SB 347 was deferred.

On motion by Senator Plante, the rules were waived and the Committee on Ways and Means was granted permission to consider Senate Bills 1051 and 361 and HB 1923 on March 9.

On motion by Senator Scarborough, SB 1102 was withdrawn from the Committees on Personnel, Retirement and Claims and Ways and Means by two-thirds vote and from further consideration of the Senate.

The Senate resumed—

SPECIAL AND CONTINUING ORDER

CS for SB 284—A bill to be entitled An act relating to abortion; stating findings and legislative intent; providing definitions; prohibiting abortions in this state unless performed under certain requirements and conditions; providing a residency requirement; providing for consent and physician's certification and requirement that abortion be performed in an approved medical facility; providing for the filing of a report; providing penalties for the performance of an unlawful abortion; providing specifically for the voluntary nature of the act; providing a severability clause; repealing sections 782.10, 797.01, and section 458.12(1)(i), Florida Statutes; providing an effective date.

Senator Daniel presiding.

Senator Deeb moved the adoption of the following amendment which failed:

Amendment 2—On page 5, line 4—18, section 3, strike all of lines 4 through 18 and insert: to a reasonable degree of medical certainty the continuation of the pregnancy would result in the death of the pregnant woman.

Senator Myers moved the adoption of the following amendment:

Amendment 3—On page 4, line 3, strike subsection (3) and the entire bill thereafter and insert:

Section 3. An abortion may be performed in this state only if it is performed:

(a) by a physician licensed to practice medicine or osteopathy in this state or by a physician practicing medicine or osteopathy in the employ of the government of the United States or of this state, and

(b) the abortion is performed in an approved medical facility, and

(c) if the physician has reasonable cause to believe that continuance of the pregnancy would endanger the life of the mother or would impair her physical or mental health, or that the child would be born with grave physical or mental defect, and

(d) the consent of the woman upon whom the abortion is performed must be obtained, except in a life saving emergency, as well as the consent of her husband, if she is married, unless he is voluntarily living apart or unless the circumstances are such as to make it impossible to obtain his consent without endangering the life or health of the woman. If the pregnant woman is under eighteen years of age, and unmarried, in addition to her consent, the consent of her parents or her legal guardian shall be obtained. In cases of incest, where the father of the pregnant woman is a party to the incestuous act, only the consent of the mother, and if her mother is not available, the consent of a court-appointed guardian, shall be required.

Section 4. Penalties.—Any person who performs or procures an abortion other than authorized by this act is guilty of a felony and, upon conviction thereof, may be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars or to imprisonment in the state penitentiary not exceeding five (5) years, or both.

Section 5. Nothing herein shall require any hospital or medical facility or any person to participate in an abortion nor shall any facility or any person be liable for such refusal. No person who is a member of or associated with the staff of a hospital or the facility nor any employee of a facility or physician in which or by whom an abortion has been authorized or performed, who shall state an objection to such procedure on moral or religious grounds, shall be required to participate in the procedure, and the refusal of any such person or employee to participate shall not form the basis for any disciplinary or other recriminatory action against such person.

Section 6. The director of any medical facility in which an abortion is performed is required to maintain a record of such procedures, which record shall include (a) the date of performance of the abortion; (b) the reason for same; (c) the period of gestation at the time of abortion and (d) the name of the patient. A copy of such record shall be filed with the state of Florida, department of health and rehabilitative services, which shall be responsible for the keeping of such records of abortion procedures in a central place from which statistical data and analysis can be made. The names of patients involved in abortion procedures shall be privileged information and deemed to be a confidential record and shall not be revealed by the medical facility involved or the department of health and rehabilitative services, except when ordered to do so by a court of competent jurisdiction in a civil or criminal proceeding. The confidentiality of the names of patients involved shall extend to the compilation and release of any statistical data compiled from the records required hereunder.

Section 7. If any provision of this act or the application thereof to any persons or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 8. The following acts and parts of acts are repealed:

(1) Section 782.10, Florida Statutes

(2) Section 797.01, Florida Statutes

Section 9. This act shall take effect immediately upon becoming law.

Amendment 3 was adopted by the following vote:

Yeas—20

Arnold	Boyd	Lewis (43rd)	Reuter
Barron	Graham	McClain	Trask
Beaufort	Johnson (29th)	Myers	Ware
Bell	Knopke	Ott	Weissenborn
Bishop	Lane	Poston	Wilson

Nays—18

Mr. President	Deeb	Hollahan	Stolzenburg
Brantley	de la Parte	Johnson (34th)	Weber
Broxson	Ducker	Lewis (33rd)	Williams
Childers	Fincher	Plante	
Daniel	Haverfield	Scarborough	

Senator Thomas moved the adoption of the following amendment:

Amendment 4—On pages 2 and 3, strike paragraphs (2), (3), (4), and (5)

On motion by Senator Lewis (43rd) the following substitute amendment was adopted:

Amendment 5—On pages 1—3, line 27, strike Section 1 and renumber

Senator Barron moved that the rules be waived and the Senate reconsider the vote by which Amendment 3 was adopted. The motion was adopted by the following vote:

Yeas—23

Mr. President	Deeb	Henderson	Scarborough
Barrow	de la Parte	Hollahan	Stolzenburg
Brantley	Ducker	Johnson (34th)	Ware
Broxson	Fincher	Karl	Weber
Childers	Gunter	Lewis (33rd)	Williams
Daniel	Haverfield	Plante	

Nays—22

Arnold	Graham	McClain	Saunders
Barron	Horne	Myers	Trask
Beaufort	Johnson (29th)	Ott	Weissenborn
Bell	Knopke	Pope	Wilson
Bishop	Lane	Poston	
Boyd	Lewis (43rd)	Reuter	

Amendment 3 failed by the following vote:

Yeas—19

Arnold	Graham	Myers	Saunders
Beaufort	Horne	Ott	Trask
Bell	Johnson (29th)	Pope	Weissenborn
Boyd	Lewis (43rd)	Poston	Wilson
Gong	McClain	Reuter	

Nays—26

Mr. President	Deeb	Hollahan	Scarborough
Barron	de la Parte	Johnson (34th)	Stolzenburg
Barrow	Ducker	Karl	Ware
Bishop	Fincher	Knopke	Weber
Brantley	Gunter	Lane	Williams
Childers	Haverfield	Lewis (33rd)	
Daniel	Henderson	Plante	

Senator Arnold moved the adoption of the following amendment:

Amendment 6—

On page 5, line 19, strike "two doctors" and insert: one doctor

Senator Myers moved the adoption of the following substitute amendment:

Amendment 7—On page 5, line 19, strike all of subsection (8).

On motion by Senator Ducker the following amendment to the substitute amendment was adopted:

Amendment 7a—On page 5, line 19, strike "(8)" and insert: (5) That a doctor of medicine or osteopathic medicine, licensed by the state of Florida, shall certify in writing that an abortion is justified by reason of one of the conditions set forth in paragraphs (7) and (9)

Amendment 7 as amended was adopted.

Senator Lewis (33rd) moved the adoption of the following amendment which failed:

Amendment 8—On page 3, line 30, section 2, through page 4 line 2 strike "this state, or any department, agency, or political subdivision of either, or any other medical facility approved by the state."

On motion by Senator de la Parte the following amendment was adopted:

Amendment 9—On page 5, line 25 following (8) insert: Provided however that any approved medical facility should have a duly constituted abortion review committee of at least two (2) doctors of medicine or osteopathic medicine which must certify whether the abortion is justified.

The vote was:

Yeas—27

Mr. President	Deeb	Karl	Scarborough
Barrow	de la Parte	Lane	Stolzenburg
Bishop	Ducker	Lewis (33rd)	Trask
Brantley	Fincher	McClain	Ware
Broxson	Gunter	Plante	Weissenborn
Childers	Hollahan	Reuter	Williams
Daniel	Johnson (29th)	Saylor	

Nays—17

Arnold	Graham	Lewis (43rd)	Saunders
Barron	Henderson	Myers	Wilson
Beaufort	Horne	Ott	
Bell	Johnson (34th)	Pope	
Boyd	Knopke	Poston	

By unanimous consent Senator Johnson (29th) changed her vote from yea to nay.

On motion by Senator Thomas the following amendment was adopted:

Amendment 10—On page 6, line 15 following the word "perform" insert: or participate in

Senator Thomas moved the adoption of the following amendment:

Amendment 11—On page 6, line 20 following the word "perform" insert: or participate in

Senator Horne moved that CS for SB 284 be indefinitely postponed.

The Presiding Officer ruled the motion out of order as a motion to amend takes precedence over a motion to indefinitely postpone.

Amendment 11 was adopted.

Senator Lewis (33rd) moved the adoption of the following amendment:

Amendment 12—On page 6, section 4, after line 25 insert: (3) It shall be unlawful for any person to charge, receive or pay any compensation or thing of value whatsoever for any abortion or abortion referral, whether in the form of fee splitting or any other manner; but this shall not be construed to apply to reasonable charges or fees for hospital or medical services. Any person who violates the provisions of this subsection shall be guilty of a misdemeanor of the first degree.

Senator Thomas moved the adoption of the following amendment to the amendment:

Amendment 12a—On page 1, following the word "person" in line 1 of the amendment insert: other than a physician

On motion by Senator Weissenborn the Senate reconsidered the vote by which Amendment 9 was adopted.

Senators Lane and de la Parte offered the following substitute amendment for amendment 9:

Amendment 13—On page 4, line 2 strike "." and insert: ; provided however that any approved medical facility shall have a duly constituted abortion review committee made up of at least two (2) doctors of medicine or osteopathy which must certify that the abortion was justified.

On motion by Senator Plante the rules were waived and time of adjournment was extended until final action on CS for SB 284.

Senator Wilson moved the adoption of the following amendment to amendment 13:

Amendment 13a—strike "which must certify that the abortion was justified"

Senator Barrow moved that debate be limited to five minutes per side on all amendments. The motion failed.

On motion by Senator Plante debate was limited to two minutes per side on each amendment and final action on the bill.

Amendment 13a failed.

Amendment 13 was adopted by the following vote:

Yeas—24

Mr. President	Deeb	Johnson (34th)	Poston
Bishop	de la Parte	Karl	Reuter
Brantley	Ducker	Lane	Scarborough
Broxson	Fincher	Lewis (33rd)	Stolzenburg
Childers	Haverfield	Lewis (43rd)	Ware
Daniel	Henderson	McClain	Williams

Nays—19

Arnold	Boyd	Knopke	Saylor
Barron	Gong	Myers	Trask
Barrow	Graham	Plante	Weissenborn
Beaufort	Hollahan	Pope	Wilson
Bell	Johnson (29th)	Saunders	

Amendments 12 and 12a were withdrawn.

On motion by Senator Thomas the following amendment was adopted:

Amendment 14—Line 17, page 1, strike: "providing specifically for the voluntary nature of the act"

On motion by Senator Myers the following amendment was adopted:

Amendment 15—On page 6, line 6 strike subsection (10) of Section 3. and insert: (10) The director of any medical facility in which an abortion is performed is required to maintain a record of such procedures, which record shall include (a) the date of performance of the abortion; (b) the reason for same; (c) the period of gestation at the time of abortion and (d) the name of the patient. A copy of such record shall be filed with the state of Florida, department of health and rehabilitative services, which shall be responsible for the keeping of such records of abortion procedures in a central place from which statistical data and analysis can be made. The names of patients involved in abortion procedures shall be privileged information and deemed to be a confidential record and shall not be revealed by the medical facility involved or the Department of Health and Rehabilitative Services, except when ordered to do so by a court of competent jurisdiction in a civil or criminal proceeding. The confidentiality of the names of patients involved shall extend to the compilation and release of any statistical data compiled from the records required hereunder.

On motion by Senator Myers the following amendment was adopted:

Amendment 16—On page 5, line 26 strike all of subsection (9) and insert: (9) Notwithstanding the provisions for consent of the husband required in subsection (4) above, or the residency requirement in subsection (3), and notwithstanding the period of gestation reached, if to a reasonable degree of medical certainty the continuation of the pregnancy would result in the death of the pregnant woman, an abortion may be performed upon the request of the woman only; provided however, all other requirements of this section shall apply before such abortion shall be authorized.

On motion by Senator Myers the following amendment was adopted:

Amendment 17—On page 4, line 12 after the word "Florida" and before the (;) insert: under chapters 458 or 459, Florida Statutes, or a physician practicing medicine or osteopathy in the employ of the United States or this state

Senator Ware moved the adoption of the following amendment which failed:

Amendment 18—On page 4, line 24 after the word "wife" insert: , at least five (5) days prior to the abortion

On motion by Senator Ducker the following amendment was adopted:

Amendment 19—On page 5, line 15 strike " of a female under the age of 18 years, and such termination of pregnancy occurs within the first twelve weeks of gestation;" insert: ;

Senator McClain moved the adoption of the following amendment:

Amendment 20—On page 4, lines 23 and 24, section 2, strike the word "voluntary" and the semi-colon after the word "wife" and insert after the word "wife": in contemplation of divorce or legal separation;

On motion by Senator Lewis (43rd) the following amendment to the amendment was adopted:

Amendment 20a—Strike "in contemplation of divorce or legal separation;"

The vote was:

Yeas—19

Arnold	Graham	Lewis (43rd)	Sayler
Barron	Haverfield	Myers	Weissenborn
Beaufort	Johnson (29th)	Pope	Williams
Boyd	Karl	Poston	Wilson
Childers	Knopke	Reuter	

Nays—17

Barrow	Deeb	Lewis (33rd)	Stolzenburg
Bell	Ducker	McClain	Ware
Brantley	Gunter	Plante	
Broxson	Horne	Saunders	
Daniel	Lane	Scarborough	

Amendment 20 as amended was adopted.

Senator McClain moved the adoption of the following amendment:

Amendment 21—On page 4, line 17 strike "six (6)" after word "least" and insert: ninety (90) days

Senators Graham and Myers offered the following substitute amendment which was adopted on motion by Senator Graham:

Amendment 22—On page 4, strike line 16—all after the word "state"; all of line 17, and line 18 through "abortion." and insert: after the word "state" on line 16 a period (.)

The vote was:

Yeas—22

Arnold	Gunter	Knopke	Saunders
Barron	Haverfield	Lane	Sayler
Beaufort	Henderson	Lewis (43rd)	Weissenborn
Bell	Horne	Myers	Wilson
Gong	Johnson (29th)	Pope	
Graham	Johnson (34th)	Poston	

Nays—21

Barrow	Daniel	Lewis (33rd)	Ware
Bishop	Deeb	McClain	Weber
Boyd	de la Parte	Plante	Williams
Brantley	Ducker	Reuter	
Broxson	Hollahan	Scarborough	
Childers	Karl	Trask	

Senators Weissenborn and Lane offered the following amendment which was moved by Senator Weissenborn:

Amendment 23—On page 5, line 26 strike all of subsection (9) and insert: (9) Notwithstanding the provisions for consent of the husband required in paragraph (4) above nor the provisions for the consent of a parent, custodian or legal guardian in paragraph (5) above, if to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman, as attested to by two physicians not associated together in the practice of medicine in their separate medical opinions, or if at least two physicians, who are not associated together in the practice of medicine, certify that in their separate medical opinion, continuation of the pregnancy will result in the birth of a child with a grave and permanent mental or physical defect, an abortion may be performed upon the request of the woman only; provided, however, all other requirements of this section shall apply before such abortion be authorized.

The amendment failed by the following vote:

Yeas—15

Arnold	Gong	Myers	Weissenborn
Beaufort	Horne	Saunders	Williams
Bell	Lane	Stolzenburg	Wilson
Bishop	Lewis (43rd)	Trask	

Nays—21

Barrow	Gunter	Knopke	Scarborough
Brantley	Haverfield	Lewis (33rd)	Ware
Childers	Henderson	McClain	Weber
Daniel	Hollahan	Plante	
Deeb	Johnson (29th)	Reuter	
Ducker	Karl	Sayler	

Senator Ware moved the adoption of the following amendment which failed:

Amendment 24—On page 4, line 16 after "state" insert: and has resided in Florida for at least 30 days prior to such abortion

On motion by Senator Graham the following amendment was adopted:

Amendment 25—On page 4, line 27 strike "her parents " and insert after the word "of": a parent

On motion by Senator Sayler the rules were waived and the Senate reconsidered the vote by which Amendment 23 failed. The vote was:

Yeas—28

Arnold	Graham	Knopke	Sayler
Beaufort	Haverfield	Lane	Stolzenburg
Bell	Henderson	McClain	Trask
Boyd	Hollahan	Myers	Weissenborn
Daniel	Horne	Pope	Williams
Ducker	Johnson (29th)	Poston	Wilson
Gong	Johnson (34th)	Saunders	

Nays—16

Barron	Broxson	Fincher	Lewis (43rd)
Barrow	Childers	Gunter	Plante
Bishop	Deeb	Karl	Reuter
Brantley	de la Parte	Lewis (33rd)	Scarborough

Senator Myers moved that the Senate reconsider the vote by which time of adjournment was extended until final action on CS for SB 284 this day.

Senator Hollahan moved as a substitute motion that the Senate do now adjourn and the motion was adopted.

Amendment 23 was adopted by the following vote:

CS for SB 284 was ordered engrossed.

Yeas—26

Arnold	Haverfield	McClain	Trask
Beaufort	Henderson	Myers	Ware
Bell	Horne	Pope	Weissenborn
Boyd	Johnson (34th)	Poston	Williams
Daniel	Knopke	Saunders	Wilson
Gong	Lane	Sayler	
Graham	Lewis (43rd)	Stolzenburg	

On motion by Senator Knopke, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider HB 1779 at the meeting on March 9.

CO-INTRODUCER

By permission Senator Hollahan was recorded as a co-introducer of SB 856.

Nays—18

Barron	Childers	Gunter	Plante
Barrow	Deeb	Hollahan	Reuter
Bishop	de la Parte	Johnson (29th)	Scarborough
Brantley	Ducker	Karl	
Broxson	Fincher	Lewis (33rd)	

On motion by Senator Hollahan, the Senate adjourned at 5:52 p.m. to convene at 8:30 a.m. for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., March 9, 1972.